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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,272	02/29/2000	David B. Kinder	INTL-0315-US (P7998)	1987

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EXAMINER

DEMICO, MATTHEW R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/21/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/515,272

Applicant(s)

KINDER ET AL.

Examiner

Matthew R Demicco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3, 4, 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 5, Element 62 as disclosed on Page 11. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Figure 6, Elements 48 and 50. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 6, 9-15, 17-22 and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,057,872 to Candelore.

Regarding Claim 1, Candelore discloses a method comprising transmitting video content (Col. 3, Lines 6-17) and transmitting a viewer incentive in association with the content (Col. 4, Line 63 – Col. 5, Line 5) such that the incentive, in this case coupons or “credits”, accumulate depending on the viewing time (Col. 10, Line 63 – Col. 11, Line 3 and Figure 5). As demonstrated in Figure 5, the more a certain channel or infomercial (Col. 12, Lines 8-18) is viewed, the more credits are awarded to the viewer.

Regarding Claims 2 and 3, Candelore discloses a method as stated above in Claim 1 wherein a head-end controller multiplexes and encrypts programming data along with coupon information and control data (Col. 7, Lines 30-64) on a channel to be transmitted to a user’s terminal (See Figure 1 and Col. 5, Lines 47-49). This reads on the claimed transmitting the viewer incentive together with the television content. The coupon information reads on the claimed ancillary information, although other ancillary information is also transmitted including cryptographic data, entitlement data, and currency balance (Col. 8-9, Lines 66-1).

Regarding Claim 4, Candelore discloses a method as stated above in Claim 1 wherein coupons are accrued by watching programming for a given amount of time. This reads on the claimed progressively providing a portion of an overall incentive (total

number of credits, see Figures 4 and 5), which may be earned by those viewers who view programming for a given amount of time.

Regarding Claim 6, Candelore discloses a method as stated above in Claim 1 wherein incentives are provided progressively. Further disclosed is that the incentives may be collected in a graphical user interface for display (See Figures 4-5 and Col. 10, Lines 19-45).

Regarding Claim 9, Candelore discloses a method as stated above in Claim 1 wherein a terminal is equipped with a demultiplexer/demodulator, decryptor and processor (See Figure 2) for receiving service data, control data, and coupon data (Col. 8, Lines 1-9). The demultiplexing of the signal reads on the claimed parsing the enhanced content from the video content. It is inherent that the processor parses the enhanced content to determine the incentive data.

Regarding Claims 10 and 11, Candelore discloses a method as stated above in Claim 1 wherein the system verifies that the subscriber is present and viewing a program by requiring the subscriber to provide interactive input (Col. 3, Lines 53-62). This reads on the claimed determining whether a viewer is actually viewing a video and accruing the incentive only if the viewer is actually viewing including asking a question in the course of the video content to determine that the viewer is actually present and paying attention.

Regarding Claims 12-15, see Claims 1-4 above, respectively.

Regarding Claims 17-18, see Claims 10-11 above, respectively.

Regarding Claim 19, see Claim 1 above.

Regarding Claim 20, see Claim 3 above.

Regarding Claim 21, Candelore discloses a system as stated above in Claim 19 wherein the digital coupon information may be transmitted via a separate path from the television programming (Col. 5, Lines 53-55). This reads on the claimed video content and ancillary information being transmitted at separate times.

Regarding Claim 22, see Claim 1 above.

Regarding Claim 24, see Claim 10 above.

Regarding Claim 25, see Claim 1 above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of U.S. Patent No. 6,681,393 to Bauminger et al.

Regarding Claim 5, Candelore discloses a method as stated above in Claim 4. What is not disclosed, however, is showing the portion of an incentive that has not yet been earned. Bauminger discloses an interactive television system for displaying advertisements (Col. 5, Lines 21-34) and accumulating a history of users interactions (Col. 6, Lines 16-49) in order to provide a coupon or prize (Col. 5, Lines 1-7). Bauminger further discloses displaying to the user a portion of an incentive that has not yet been earned (See Figures 1A and 1B). Bauminger is evidence that ordinary workers in the art

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would recognize the benefits of prompting users with an unearned portion of an incentive. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Candelore with the prompting of Bauminger in order to increase viewer participation and consumption of advertising by encouraging the viewer to participate in the interactive advertising content.

Regarding Claims 16 and 23, see Claim 5 above.

8. Claims 7-8 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of U.S. Patent No. 6,486,895 to Robertson et al.

Regarding Claims 7 and 8, Candelore discloses a method as stated above in Claim 1 wherein incentives are progressively added to a graphical user interface as stated above. What is not disclosed, however, is that the incentives may be viewed in a virtual book of pages. Robertson discloses a display system that utilizes a book metaphor (See Abstract and Figures 10-12) that enables a user to turn pages (Col. 2, Lines 38-47). Robertson is evidence that ordinary workers in the art would recognize the benefits of displaying electronic data in a book metaphor. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Candelore with the book metaphor of Robertson in order to allow users to easily access data in a visual way that is natural and easy for them to understand.

Regarding Claim 26, see Claim 7 above.

Regarding Claim 27, Candelore in view of Robertson disclose a system as stated above in Claim 26. Robertson further discloses software that enables the viewer to

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operate an icon (See Figures 5 and 10) in the graphical user interface (Col. 5, Lines 11-24) to turn the pages of the virtual book (Col. 6, Lines 30-48).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. U.S. Patent No. 5,287,181 to Holman discloses an electronic coupon transmitted with a television signal that displays an icon on the screen that a user may interact with to retrieve the coupon data during a television commercial.

b. U.S. Patent No. 6,002,393 to Hite et al. discloses a system for targeting TV advertisements and certifying that a viewer is present and paying attention through an interactive question/response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



mrd

May 4, 2004



VIVEK SRIVASTAVA
PRIMARY EXAMINER